

Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-5710 212.336.2000 fax 212.336.2222 www.pbwt.com

January 4, 2011

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CHAMBERS OF
RICHARD M. BERMAN
U.S.D.J.

Erik Haas
Partner
(212) 336-2771
Direct Fax (212) 336-2386
ehaas@pbwt.com

The Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

MEMO ENDORSED
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Re: Ambac Assurance Corp. v. EMC Mortgage Corp.
Index No. 08 Civ. 9464

Dear Judge Berman:

We represent plaintiff Ambac Assurance Corporation ("Ambac") in the above-referenced action. We write on behalf of both parties to respectfully request an adjournment of the settlement conference currently scheduled for January 6, 2010. The parties have made five previous requests to adjourn the settlement conference pending completion of fact discovery, which the Court has granted. (See Dkt. Nos. 33, 46, 54, 63 and 98.)

Ambac's motion to amend the complaint to add new claims and parties is currently pending a final determination by this Court, and fact discovery on the existing and new claims is not complete. The parties agree that the settlement conference would be more productive, and should be adjourned until such time when the decision on the motion to amend is final and fact discovery is finished.

Of course, should Your Honor wish that the parties appear on January 6, we will be happy to do so.

cc: The Honorable Theodore H. Katz
Counsel of Record for EMC

Respectfully submitted,


Erik Haas

**Application respectfully denied.
The conference will proceed as
scheduled.**

SO ORDERED:

Date: 1/4/11


Richard M. Berman, U.S.D.J.